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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
Daniel Fernando RODRIGUEZ-Gonzalez,)
Defendant.)

)

Magistrate Case No. *R*

'08 MJ 1961

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

On or about **June 25, 2008**, within the Southern District of California, defendant **Daniel Fernando RODRIGUEZ-Gonzalez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Sara Esparagoza
SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 26th DAY OF **June**,
2008.

Jessica Foster
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On June 25, 2008 at approximately 12:21 PM, **Daniel Fernando RODRIGUEZ-Gonzalez (Defendant)**, made application for admission to the United States from Mexico via the pedestrian primary lanes of the San Ysidro Port of Entry. Defendant presented a valid State of Washington identification card to a Customs and Border Protection (CBP) Officer. Defendant stated he was going back to Washington State. Defendant also claimed United States citizenship and gave two negative customs declarations. The CBP Officer received an automated computer generated referral and escorted Defendant to secondary for further inspection.

In secondary, Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS), which verified Defendant's identity. Further queries through the Immigration Central Index System and the Deportable Alien Control System revealed Defendant was ordered deported from the United States by an Immigration Judge on or about May 24, 2007 and physically removed from the United States through the San Ysidro, California Port of Entry on June 1, 2007. Immigration service records indicate Defendant has not applied for or received permission by the Attorney General or the Secretary of Homeland Security to legally re-enter the United States.

During a video-recorded proceeding, Defendant advised of his Miranda Rights and elected to answer questions without the benefit of counsel. Defendant admitted he is a citizen of Mexico. Defendant admitted he lied to the CBP Officer by telling him he was a citizen of the United States. Defendant stated he was deported from the United States and has not applied for permission to reenter the United States. Defendant stated he was going to San Diego, California to seek employment.